

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JASON PRICE,)	
)	
Plaintiff,)	
)	
v.)	No. 4:10CV1738 AGF
)	
STEVE LARKINS, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff’s motion for extension of time to file a notice of appeal. Plaintiff requests an extension until July 6, 2012, to file his appeal because he is pro se and is unsure of how to proceed. The motion will be granted.

Under Rule 4(a)(5)(A) of the Federal Rules of Appellate Procedure, this Court may extend the time for filing a notice of appeal if the “party so moves no later than 30 days after the time prescribed by this Rule 4(a) expires” and if the “party shows excusable neglect or good cause.” “No extension under . . . Rule 4(a)(5) may exceed 30 days after the prescribed time or 14 days after the date when the order granting the motion is entered, whichever is later.” Fed. R. App. P. 4(a)(5)(C). The United States Court of Appeals for the Eighth Circuit has counseled that pro se appellants may be given “special consideration . . . regarding their notices of appeal.” Weekley v. Jones, 927 F.2d 382, 386 (8th Cir. 1991).

Petitioner’s request meets the requirements of Rule 4(a)(5). The Court’s Judgment was entered on May 22, 2012. The time for filing an appeal under Rule 4(a)(1) expired on

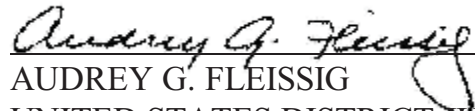
June 21, 2012. Petitioner placed his motion for extension of time in the prison mail system on June 22, 2012, which is only one day after his time for filing his appeal expired. And July 6, 2012, is fourteen days after June 22, 2012. Furthermore, the Court finds that good cause is shown because plaintiff is pro se, because he has moved from one prison to another in the last thirty days, and because he has had limited access to a law library. As a result, the motion is granted.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for extension of time to file a notice of appeal [Doc. 126] is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk shall send another letter to plaintiff explaining the process for filing an appeal, including a notice of appeal form.

Dated this 26th day of June, 2012.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE